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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,741	08/04/2003	Takahiko Koizumi	MIPEP047	6624
25920 7590 08/01/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
GILES, NICHOLAS G				
ART UNIT		PAPER NUMBER		
2622				
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08/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,741

Applicant(s)

KOIZUMI ET AL.

Examiner

NICHOLAS G. GILES

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/2008 has been entered.

Specification

2. The objection to the title is withdrawn as the title has been amended.

Response to Arguments

3. Applicant's arguments filed 04/14/2008 have been fully considered but they are not persuasive.

Regarding claims **1, 7, and 8**, applicant argues that Nitta requires direct input by a user. The examiner points to ¶0031-0032 and notes that there is no user interaction in the process of selecting the image processing condition when the photography mode is not contained and the system uses the photography parameters to decide the image processing condition.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 8, the claim recites a "computer-readable storage medium" there is no support for this limitation in the originally filed specification.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nitta (Japanese publication number 2001-186297).

Regarding claim 1, Nitta discloses:

An image processing method that makes image data, which includes shooting information obtained at a time of shooting, subjected to a series of image processing suitable for a selected shooting scene, said image processing method comprising: acquiring image data (¶0029-0032);

retrieving scene-dependent image processing condition specification information (photography mode), wherein the scene-dependent image processing condition specification information is related to the acquired image data by a digital still camera and is used to specify a scene-dependent image processing condition (image processing according to the photography mode) which is suitable for the selected shooting scene in an image processing apparatus (§0030); specifying the selected shooting scene based on the shooting information (photography parameters), in the case of failed retrieval of the scene-dependent image processing condition specification information (§0031-0032); acquiring a scene-dependent image processing condition suitable for the specified shooting scene without input of an image processing condition by a user (§0031-0032); and executing image quality adjustment of the image data with the acquired scene-dependent image processing condition (§0029-0032).

Regarding claim 2, see the rejection of claim 1 and note that Nitta further discloses:

Acquiring the scene-dependent image processing condition, in the case of successful retrieval of the scene-dependent image processing condition specification information, is implemented by acquiring the scene-dependent image processing condition corresponding to the retrieved scene-dependent image processing condition specification information from a memory device (§0038).

Regarding claim 3, see the rejection of claim 1 and note that Nitta further discloses:

Specifying the selected shooting scene, when the shooting information includes preset information of the shooting scene, is implemented with the preset information of the shooting scene (§0031-0032).

Regarding claim 4, see the rejection of claim 1 and note that Nitta further discloses:

Specifying the shooting scene is implemented with information based on settings of exposure program (dark on the whole or bright, kinds of colors that exist in the image data), aperture (exposure value), shutter speed (shutter speed), subject distance range (focal distance), ISO speed rate (exposure value), and flash (flash) included in the shooting information (§0031-0032).

Regarding claim 5, see the rejection of claim 3 and note that Nitta further discloses:

Specifying the selected shooting scene, when the shooting information does not include the preset information of the shooting scene, is implemented with information based on settings of exposure program (dark on the whole or bright, kinds of colors that exist in the image data), aperture (exposure value), shutter speed (shutter speed), subject distance

range (focal distance), ISO speed rate (exposure value), and flash (flash) included in the shooting information (§§0031-0032).

Regarding claim 6, see the rejection of claim 1 and note that Nitta further discloses:

Scene-dependent image processing condition is a combination of values of multiple image quality-relating parameters, which are set in advance for each shooting scene (§§0029-0032).

Regarding claim 7, Nitta discloses:

An image processing apparatus that makes image data, which includes shooting information obtained at a time of shooting, subjected to a series of image processing suitable for a selected shooting scene, said image processing apparatus comprising: an image data acquisition module that acquires image data (§§0029-0032); a memory module that stores multiple scene-dependent image processing conditions set for multiple shooting scenes (image processing according to the photography mode §§0030-0032 and §§0038); a scene-dependent image processing condition acquisition module that, in the case of failed retrieval of scene-dependent image processing condition specification information (photography mode), which is related to the acquired image data and is used to specify a scene-dependent image processing condition (image processing according to the photography mode) suitable for the selected shooting scene, specifies the selected shooting scene based on the

shooting information and acquires a scene-dependent image processing condition suitable for the specified shooting scene from said memory module without input of an image processing condition by a user, wherein the scene-dependent image processing condition specification information is related to the acquired image data by a digital still camera and is used to specify a scene-dependent image processing condition which is suitable for the selected shooting scene in the image processing apparatus (§0030-0032); and an image quality adjustment module that executes image quality adjustment of the image data with the acquired scene-dependent image processing condition (§0030-0032).

Regarding claim 8, Nitta discloses:

A computer-readable storage medium having a program store thereon, said program causing a computer to utilize multiple scene-dependent image processing conditions set for multiple shooting scenes and to make image data, which includes shooting information obtained at a time of shooting, subjected to a series of image processing suitable for a selected shooting scene, said program comprising: a computer command that retrieves scene-dependent image processing condition specification information (photography mode) from the acquired image data, wherein the scene-dependent image processing condition specification information is related to the acquired image data by a digital still camera and is used to specify a scene-dependent image processing condition (image

processing according to the photography mode) which is suitable for the selected shooting scene in an image processing apparatus (¶0030); a computer command that specifies the selected shooting scene based on the shooting information (photography parameters) without input of an image processing condition by a user, in the case of failed retrieval of the scene-dependent image processing condition specification information (¶0031-0032); a computer command that selects a scene-dependent image processing condition suitable for the specified shooting scene among the multiple scene-dependent image processing conditions (¶0027-0032); and a computer command that executes image quality adjustment of the image data with the selected scene-dependent image processing condition (¶0030-0032).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS G. GILES whose telephone number is (571)272-2824. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art
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